

**01                    DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**017                  HARNESS RACING COMMISSION**

**Chapter 7:        RACING**

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**SUMMARY:** This chapter shall set forth all rules specific to all facets of racing. This shall include the procedures for the assembling and drawing of races, the standards that horses and participants are held to, starting and racing rules, and proper procedures for placing and purse distribution. To facilitate understanding of this chapter it is arranged sequentially in the order in which the various elements of racing should occur. For example, the draw comes before the starting rules, the starting rules before the racing rules, etc.

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**Section 1.        Consecutive Days**

At pari-mutuel race meets, no horse shall be allowed to race consecutive days unless permission is granted by the Commission.

**Section 2.        Proof of Eligibility and Identity**

No horse shall race without a current eligibility record ~~on the file with the Racing Secretary~~. The Racing Secretary shall check the United States Trotting Association (U.S.T.A.) racetrack system and certify to the Judges the eligibility of all the horses.

Any track official, representative of this Commission, representative of the United States Trotting Association, may call for information concerning the identity and eligibility of any horse ~~on the grounds of~~ entered to race at an Association and may demand an opportunity to examine that horse or the horse's eligibility record or registration. Any owner or trainer, track official, a representative of the Commission or a representative of the United States Trotting Association may obtain information concerning the identity or eligibility of any horse. If the owner or party controlling that horse refuses to supply the information, or to allow the examination, or fails to give satisfactory identification, the owner or party commits a Level 1 violation pursuant to Chapter 17 of the Commission rules.

**Section 3.        Permanent Identification**

No horse shall be permitted to start at any pari-mutuel meeting if it has not been permanently identified through the use of a freezebrand, tattoo, microchip or any other method authorized by the US. Trotting Association.

**Section 4. Horses Health Conditions**

No horse may race unless it has unimpaired vision in at least one eye. No horse with Equine Infectious Anemia shall race.

**Section 5. Racing Standards**

The Racing Secretary shall establish and post-performance standards which must be met in order for a horse to be eligible to race in overnight events at that meet.

**Section 6. Race Meet Standards and Eligibility**

1. Any horse that does not show a satisfactory charted line which meets the qualifying standards for that meet within 45 days of the date of the program must go a satisfactory qualifying race. The Commission may modify this requirement for the first 45-days of each racing season or upon request from an Association.
2. Qualifying races shall be held at least one full week prior to the opening of any extended pari-mutuel meeting, weather permitting, and shall be scheduled at least once ~~twice~~-a week during all meets, unless waived by a majority of a committee consisting of an agent of the licensed track, a representative of the Maine Harness Horsemen's Association, and the Presiding Judge ~~State Steward~~. Such qualifying races shall be held under the supervision of a Presiding or Associate Judge and shall be charted by a licensed Charter. A standard photo finish shall be in use and each horse shall be timed separately.
3. A purse may be paid in a qualifying race for two year olds (Baby Races) provided the purse does not exceed the minimum purse established by the Association at the time of the race.
4. **Schooling horses.** The starting gate shall be available after qualifying races or when requested by the Judges or State Steward to school horses.
5. The Judges may require any horse that has been on the Steward's List to go a qualifying race.
6. No horse shall be permitted to obtain a win record in a qualifying race unless a test sample has been taken either immediately before or after such race.
7. Horses which have made breaks in the past two consecutive races entered on good or fast tracks and did not finish in at least one race placing first, second, or third, must go a qualifying race. If the break is caused by interference or equipment failure the break shall be excused.
8. Horses failing to meet qualifying standards on a good or fast track two races in a row must go a qualifying race unless there is interference or equipment failure in one of the two races.

9. A horse that has been scratched from a program on two consecutive occasions must go a qualifying race unless excused from a Judges scratch by the Judges for good cause. The "good cause" must be documented and kept on file.
10. Any horse placed on the Steward's List must be scratched from any subsequent race to which it is previously declared to start.

## **Section 7. Steward's List**

1. Only the Presiding Judge may place a horse on the Steward's List. No declaration shall be accepted for a horse on the Steward's List.
2. A horse shall be placed on the "Steward's List" because it:
  - A. Is Dangerous,
  - B. Is Unmanageable,
  - C. Is Sick,
  - D. Is Lamé,
  - E. Is Unable to qualify,
  - F. Is Otherwise unfit to race,
  - ~~G. Makes a break on the next race after a qualifying race. Fails to achieve the qualifying time at the next race following a qualifying race, or~~
  - H. Has an extended break with the intent of qualifying without complying with Section 60 of this chapter. :
- 2-A. A horse may be placed on the "Steward's List" because it:
  - A. Performs in a manner inconsistent with its previously demonstrated ability,
  - B. Does not perform properly at the start, or
  - C. Falls to both knees or falls completely prior to the start.
3. The Clerk of Course shall make a note on the eligibility record of each horse showing the date and reason the horse was placed on the "Steward's List", and the date of removal.
4. Any horse placed on the "Steward's List" for lameness or sickness is not eligible to declare in for a race for at least 5 days. The first day on the Steward's List shall commence on the day following the day the horse was scratched from a programmed race.

**Section 8. Preference**

Preference shall be given in all overnight events according to a horse's last purse race or successful qualifying race when a horse is racing for the first time in the current year, or drawn in to go during the current year except as provided in Chapter 7, Section 6, subsection 1. In order to ensure proper diversification of racing fields in classes having less than 25 horses available for competition, the racing secretary shall consider two consecutive race dates in the case of equal preference. Otherwise, horses with equal preference shall be drawn by lot. The preference date on a horse that has drawn to race and then was scratched is the date of the race from which it was scratched.

**Section 9. Use of Hopples**

**Racing with or without hobbles.** Any pacing horse that has worn hobbles shall not race without hobbles unless the horse shows a satisfactory free-legged qualifying line, nor shall any pacing horse that races free-legged race with hobbles unless the horse shows a satisfactory qualifying mile wearing hobbles. An unsuccessful qualifying race relating to use of hobbles shall not disqualify a pacing horse from entering a race consistent with its previous status.

The Judges shall be notified of any equipment change relative to the use of hobbles by trotting horses at the time the horse is entered into a race, and that change shall be listed on the program to inform the wagering public of the change. Any owner or trainer who wishes to change equipment other than hobbles on a horse from one race to another shall notify the Judges prior to the start of the race.

**Section 10. Head Pole**

No horse shall be permitted to wear a head pole protruding beyond its nose.

**Section 11. Time Between Heats**

In the case of double heats or dashes, the time between heats or dashes, for any distance up to and including a mile, shall not be less than forty minutes.

**Section 12. Minimum Purse**

The Commission will not allow any race to be conducted for a purse less than the advertised minimum. Regardless of conditions prevalent when a minimum purse is advertised the Association is bound to pay the minimum amount.

**Section 13. Racing Year**

For the purpose of eligibility, a racing year shall be the period from January 1 through December 31.

**Section 14. Condition Sheets**

Conditions for overnight events must be posted at least ~~24~~<sup>42</sup> hours before entries close. If events are to be raced as double dashes, it must be posted on the condition sheets. Substituted conditioned races may be used only where regularly scheduled races fail to fill.

**Section 15. Types of Racing**

In presenting a program of racing the Racing Secretary shall use exclusively the following types of races as set forth in this subchapter:

1. Stakes and Futurities.
2. Early Closing and Late Closing Events.
3. Conditioned Races.
4. Claiming Races.
5. Preferred invitational or open races limited to the fastest horses at the meeting.
6. Classified racing ~~with permission of the Commission.~~
7. Match Races with the permission of the Commission.
8. Special Series or Races with the permission of the Commission.

**Section 16. Condition Limitations**

1. Conditions shall be written in such a way that horses are provided an opportunity to race in normal preference cycle. Also eligible conditions that have the effect of backing a horse up more than two classes are prohibited. Not more than two also eligible conditions shall be used in writing the conditions for any overnight event. In the event that there are conflicting published conditions and neither is withdrawn by the Race Secretary, the conditions more favorable to the nominator shall govern. In any event, the original conditions shall not be changed; but conditions may be added as provided in this section.
  - A. No two-year-old shall be permitted to start in a dash or heat exceeding one mile in distance and no two-year-old shall be permitted to race in more than two heats or dashes in any single day.
  - B. In all overnight events, starters and also eligibles shall be drawn by lot from those properly declared in.
  - C. Substitute races may be provided for each day's program and shall be so designated. A substitute race shall be used only if a posted condition fails to fill. Entries in races not filling shall be posted. If a posted condition fills it shall be raced on the day it was offered.

- D. Horses must be eligible when entries close but winnings on closing date of eligibility shall not be considered. In mixed races, trotting and pacing, a horse must be eligible to the class on the gait at which it is entered.
- E. A fair and reasonable racing opportunity shall be afforded both trotters and pacers in reasonable proportion to the number of horses of each gait available and qualified to race.
- F. Qualifying races, with or without a purse, shall not be counted in determining whether a horse advances under the provisions of this rule, nor shall a horse winning a qualifying race be deprived, by reason of such performance, of his or her right to start in an event limited to maidens.
- G. The definition of the word "start" in any type of condition unless specifically otherwise stated will exclude qualifying and matinee races.

## **Section 17. Claiming Races**

### **1. Who May Claim**

Any person licensed as an Owner by the Maine Harness Racing Commission, or his or her authorized agent may claim a horse from any meet in the state.

### **2. Prohibitions**

- A. No person shall claim, directly or indirectly, his or her own horse nor shall he or she, directly or indirectly, claim a horse trained or driven by him or her.
- B. No licensed owner or his or her authorized agent shall claim a horse for another person.
- C. No person shall offer, or enter into an agreement, to claim or not to claim, or in any other way attempt to prevent another person from claiming any horse.
- D. No person shall declare a horse into a claiming race against which there is a mortgage, bill of sale, or lien of any kind, unless the written consent of the holder thereof shall be filed with the Clerk of Course of the Association conducting such claiming race.

### **3. Ownership.** Other than by re-entering the horse to a claiming race, no right, title or interest to a claimed horse shall be sold or transferred for a period of 30 days following a claim. The day following the date of the claim shall be the first day. Violations of this section shall be subject to a Level 3 penalty.

### **4.** A horse claimed in the State of Maine shall not race outside the State of Maine for a period of 45 days or until all awarded race dates in Maine for that year have been fulfilled.

### **5. Return of Claimed Horse to Owner or Stable.** No claimed horse may remain in the stable or under the care or management of the prior owner or trainer, or anyone connected

therewith unless such condition results from the prior owner/authorized agent reclaiming the horse.

## 6. Claiming Procedure

- A. **Owner's Consent.** ~~No declaration to a claiming race may be accepted unless written permission of the owner is filed with the Race Secretary at the time of declaration.~~ A declaration to a claiming race may be accepted only when the Trainer or authorized agent warrants that he or she has declaring a horse in a claiming race authorization from the owner. ~~of the warrants that he/she has authorization from the.~~
- B. **Claiming Authorization.** The current registration certificate of all horses entered in claiming races must be on file with the Racing Secretary, ~~together with a separate claiming authorization form signed by the registered owner or owners and indicating the minimum amount for which the horse may be entered to be claimed.~~ To facilitate transfer of claimed horses, the Presiding Judge may sign and complete the transfer to ~~and complete the transfer send the registration certificate and claiming authorization to the Registrar, for transfer.~~
- C. **Program.** The claiming price shall be printed on the program and all claims shall be for the amount so designated. and a Any horse entered in a claiming race may be claimed for the designated amount. If a horse is programmed by error of an official in a claiming race and scratched prior to post time, said horse cannot be claimed.
- D. **Claim Box.** All claims shall be in writing, sealed and delivered to the clerk of course at least ~~45~~30 minutes before the time originally scheduled for the race and shall be placed in a locked box located in the Judge's stand. A claim may ~~can~~ be withdrawn no later than 10 minutes prior to the start of the race.
- E. **Opening of Claim Box.** During the post parade of the claiming race the Presiding Judge shall break the seal on all claims, inspect the claims to determine their validity, and notify the Paddock Judge of a valid claim. It shall be announced before the race which horses have claims upon them and how many claims were filed per horse. ~~and announce the name of any successful claimant over the public address system.~~ In a claiming event with more than one heat or dash, the claiming box shall not be opened nor the seals broken until the post parade of the last heat or dash of the event.
- F. **Multiple Claims on Same Horses.** Should more than one claim be filed for the same horse, the owner shall be determined by random selection by the Judges.
- G. **Delivery of Claimed Horses.** Once the results of a claiming race have become official, the Presiding Judge shall announce the name of a successful claimant over the public address system. A horse which the Presiding Judge has determined claimed shall be delivered immediately by the original owner or his or her trainer to the successful claimant. The horse's halter must accompany the horse. Altering or removing the horse's shoes will be considered a violation of this rule. The Equipment Inspector shall verify the equipment and the length of the hopples. It shall be a Level 2 violation of the Commission rules for any person associated

with the owner or trainer of a claimed horse to either verbally or physically disrupt the process of the claim exchange. ~~in any way confront the claimant, whether verbally or physically.~~

- H. **Refusal to Deliver Claimed Horse.** Any person who refuses to deliver a horse determined claimed by a Presiding Judge shall be suspended together with the horse until delivery is made.
  - I. **Effective Time of Claim.** Every horse claimed shall race in all heats or dashes of the claiming event. The declaring owner shall enter the horse but from the word "GO," the successful claimant shall become the new owner. In the case of a claiming event with more than one heat or dash, the last heat or dash shall be the relevant claiming race. ~~Every horse claimed shall race in all heats or dashes of the event in the interest and for the account of the owner who declared it in. With respect to the health and race worthiness of a claimed horse, a valid claim on a horse is effective from the time the word "GO" is given in the relevant claiming race and the successful claimant shall become the owner of the horse, at that time. In the case of a claiming event with more than one heat or dash, the last heat or dash of the event shall be the relevant claiming race.~~
  - J. Any licensed individual who wishes to claim a horse from a claiming race must present to the Association a Cashier Check, Money Order or Certified Bank Check made out to the owner of the horse. The Association shall turn over the check to the original owner at the time the registration certificate is delivered for presentation to the successful claimant. The remaining check(s) shall be returned to the unsuccessful claimants.
  - K. **Scratched Horse.** The successful claimant of a horse programmed to start may, at his or her option acquire ownership of a claimed horse, even though such claimed horse was scratched and did not start in the claiming race from which it was scratched. The successful claimant must decide immediately following the race whether to examine the horse or not. He or she has until 6:00 p.m. of the day following the claiming race to which the horse was programmed and scratched to accept or reject the horse. The trainer who entered said horse to race is responsible for producing the horse.
7. **Claiming Conditions.** Except for the lowest claiming price offered at each meeting, conditions and allowances in claiming races may be based only on age and sex. Whenever possible claiming races shall be written to separate horses five years old and up from young horses and to separate males from females. Mares shall be given a 20% allowance, provided, however, that there shall be no price allowance given to a spayed mare racing in a claiming race. Lowest claiming price conditions shall not be written in such a way that any horse is deprived of an opportunity to race in a normal preference cycle.
8. **Complaints/Void Claims**
- A. The Judges shall rule on any question, complaint or allegation of impropriety relating to claiming races and/or the claiming process.
  - B. If the Judges determine that the declaration of any horse to a claiming race is fraudulent they shall declare the horse a non-starter and ineligible for claim.



- C. If the Judges determine that any claim of a horse is fraudulent on the part of the person making the claim they shall declare the claim invalid.
- D. It is a Level 1 violation of these rules to enter a mare in foal in a claiming race.
- E. A biological sample will be obtained from any claimed horse, regardless of finish. If the presence of a prohibited substance in excess of acceptable levels is detected the claim on that horse may be voided.

## **Section 18. Conditioned Races**

Conditioned Race means an overnight event to which eligibility is determined according to specified qualifications. Such qualifications may be based upon:

- 1. Horse's money winnings in a specified number of previous races or during a specified previous time.
- 2. A horse's finishing position in a specified number of previous races or during a specified period of time.
- 3. Age.
- 4. Sex.
- 5. Number of starts during a specified period of time.
- ~~6. Any combination of the qualifications listed in this section.~~
- ~~7-6.~~ Use of records of time.
- ~~8-7.~~ Maine Owned or Maine Bred.
- ~~9-8.~~ Trackmaster Horse Rating or
- 9. Any combination of the qualifications listed in this section.

## **Section 18-A Maine Owned or Bred Races**

- 1. Persons licensed to conduct harness horse racing meets under Title 8, Chapter 11, may offer non-sire stakes races limited to horses wholly owned by Maine residents or sired by Maine stallions.
- 2. For purposes of this rule, a Maine bred horse shall be defined as one sired by a Maine stallion, registered with the Commission, who stood in Maine during the entire breeding season in which it sired a Maine bred horse or a horse whose dam was a wholly owned Maine mare at the time of breeding as shown on the horse's United State Trotting Association paper or electronic registration or electronic eligibilities. The breeding season means that period of time beginning February 15 and ending July 15 of each year.

3. For the purposes of this rule, a “Maine resident” shall mean a person who habitates permanently in Maine with intent to remain in Maine for the indefinite future. A person who is called elsewhere for labor or other special or temporary purposes shall not be excluded from consideration as being a Maine resident. The Commission or its designee shall determine all questions about a person’s eligibility to participate in Maine-owned races. In determining whether a person is a Maine Resident, the term “resident” shall mean the place where an individual has his or her permanent home, at which that person remains when not called elsewhere for labor or other special or temporary purposes, and to which that person returns in seasons of repose. The term “residence” shall mean a place a person voluntarily fixed as a permanent habitation with the intent to remain in such place for the indefinite future. The Commission or its designee shall determine all questions about a person’s eligibility to participate in Maine-owned races. The Commission or its designee may review and subpoena any information which is deemed relevant to determine a person’s residence, including but not limited to, the following:
  - A. Where the person lives and has been living;
  - B. The location of the person’s sources of income;
  - C. The address used by the person for payment of taxes, including federal, state and property taxes;
  - D. The state in which the person’s personal automobiles are registered;
  - E. The state issuing the person’s driver’s license;
  - F. The state in which the person is registered to vote;
  - G. Ownership of property in Maine or outside of Maine;
  - H. The residence used for U.S.T.A. membership and U.S.T.A. registration of a horse, whichever is applicable;
  - I. The residence claimed by a person on a loan application or other similar document;
  - J. Membership in civic, community, and other organizations in Maine and elsewhere.
  - K. None of these factors when considered alone shall be dispositive, except that a person must have resided in the State of Maine in the preceding calendar year for a minimum of one hundred and eighty three (183) days. Consideration of all of these factors together, as well as a person’s expressed intention, shall be considered in arriving at a determination. The burden shall be on the applicant to prove Maine residency and eligibility for Maine-owned or bred races. The Commission may promulgate by regulation any other relevant requirements necessary to ensure that the licensee is a Maine resident. In the event of disputes about a person’s eligibility to enter a horse in races limited to Maine-owned or Maine bred horses, the Commission shall resolve all disputes and that decision shall be final.

4. In the case of a corporation seeking to enter a horse in a Maine-owned or Maine bred event as a Maine-owned entry, all owners, officers, shareholders, and directors must meet the requirements for a Maine resident specified below. In the case of an Association or other entity seeking to enter a horse in a Maine owned or Maine bred event as a Maine-owned entry, all owners must meet the requirements for a Maine resident as specified below. Leased horses are ineligible as Maine owned entries unless both the lessor and the lessee are Maine residents as set forth in this Rule.

~~All horses to be entered in Maine owned or Maine bred races must first be registered and approved by the Commission or its designee. The Commission may establish a date upon which a horse must be wholly owned by a Maine resident(s) to be eligible to be nominated, entered, or raced as Maine owned. In the case of a corporation seeking to enter a horse in a Maine owned or Maine bred event as a Maine owned entry, all owners, officers, shareholders, and directors must meet the requirements for a Maine resident specified below. In the case of an Association or other entity seeking to enter a horse in a Maine owned or Maine bred event as a Maine owned entry, all owners must meet the requirements for a Maine resident as specified below. Leased horses are ineligible as Maine owned entries unless both the lessor and the lessee are Maine residents as set forth in the Rule.~~

~~The following actions shall be prohibited for Maine owned races and such horses shall be deemed ineligible to be nominated, entered, or raced as Maine owned horses:~~

- ~~A. — Payment of the purchase price over time beyond the date of registration;~~
  - ~~B. — Payment of the purchase price through earnings beyond the date of registration;~~
  - ~~C. — Payment of the purchase price with a loan, other than from a commercial lender, regulated in Maine and balance due beyond the date of registration;~~
  - ~~D. — Payment of any management fees, agent fees, consulting fees, or any other form of compensation to non residents of Maine, except industry standard training and driving fees; or~~
  - ~~E. — Leasing a horse to a non resident of Maine.~~
5. — The Commission or its designee shall determine all questions about a person's eligibility to participate in Maine Owned races. In determining whether a person is a Maine Resident, the term "resident" shall mean the place where an individual has his or her permanent home, at which that person remains when not called elsewhere for labor or other special or temporary purposes, and to which that person returns in seasons of repose.

~~The term “residence” shall mean a place a person voluntarily fixed as a permanent habitation with the intent to remain in such place for the indefinite future.~~

- ~~6. The Commission or its designee may review and subpoena any information which is deemed relevant to determine a person’s residence, including but not limited to, the following:~~
  - ~~A. Where the person lives and has been living;~~
  - ~~B. The location of the person’s sources of income;~~
  - ~~C. The address used by the person for payment of taxes, including federal, state and property taxes;~~
  - ~~D. The state in which the person’s personal automobiles are registered;~~
  - ~~E. The state issuing the person’s driver’s license;~~
  - ~~F. The state in which the person is registered to vote;~~
  - ~~G. Ownership of property in Maine or outside of Maine;~~
  - ~~H. The residence used for U.S.T.A. membership and U.S.T.A. registration of a horse, whichever is applicable;~~
  - ~~I. The residence claimed by a person on a loan application or other similar document;~~
  - ~~J. Membership in civic, community, and other organizations in Maine and elsewhere.~~
  - ~~K. None of these factors when considered alone shall be dispositive, except that a person must have resided in the State of Maine in the proceeding calendar year for a minimum of one hundred and eighty three (183) days. Consideration of all of these factors together, as well as a person’s expressed intention, shall be considered in arriving at a determination. The burden shall be on the applicant to prove Maine residency and eligibility for Maine owned or red races. The Commission may promulgate by regulation any other relevant requirements necessary to ensure that the licensee is a Maine resident. In the event of disputes about a person’s eligibility to enter a horse in races limited to Maine owned or Maine bred horses, the Commission shall resolve all disputes and that decision shall be final.~~
- 5.7. Each owner and trainer, or the authorized agent of an owner or trainer, or the nominator (collectively, the "entrant"), is required to disclose the true and entire ownership of each horse with the Commission or its designee, and to disclose any changes in the owners of the registered horse to the Commission or its designee. All licensees and racing officials shall immediately report any questions concerning the ownership status of a horse to the Commission racing officials, and the Commission racing officials may place such a horse on the steward's or judge's list. A horse placed on the steward's or judge's list shall be ineligible to start in a race until questions concerning the ownership status of the horse

are answered to the satisfaction of the Commission or the Commission's designee, and the horse is removed from the steward or judge's list.

68. If the Commission, or the Commission's designee, finds a lack of sufficient evidence of ownership status, residency, or other information required for eligibility, prior to a race, the Commission or the Commission's designee, may order the entrant's horse scratched from the race or ineligible to participate.
79. After a race, the Commission or the Commission's designee may, upon reasonable suspicion that the entrant's horse was not eligible to race, withhold purse money pending an inquiry into ownership status, residency, or other information required to determine eligibility. If the purse money is ultimately forfeited because of a ruling by the Commission or the Commission's designee, the purse money shall be redistributed per order of the Commission or the Commission's designee. A person aggrieved by the Commission ruling in this matter may seek an adjudicatory hearing.
840. If purse money has been paid prior to reasonable suspicion, the Commission or the Commission's designee may conduct an inquiry and make a determination as to eligibility. If the Commission or the Commission's designee determines there has been a violation of ownership status, residency, or other information required for eligibility, it shall order the purse money returned and redistributed per order of the Commission or the Commission's designee. A person aggrieved by the Commission ruling in this matter may seek an adjudicatory hearing.
944. Anyone who knowingly and willfully provides incorrect or untruthful information to the Commission or its designee pertaining to the ownership of a Maine-owned or bred horse, or who attempts to enter a horse restricted to Maine-owned entry who is determined not to be a Maine resident, or who knowingly and willfully makes any other misrepresentation ~~commits any other fraudulent act~~ in connection with the entry or registration of a Maine-owned or bred horse, in addition to other penalties imposed by law, shall be subject to mandatory revocation of licensing privileges in the State of Maine for a period to be determined by the Commission in its discretion except that absent extraordinary circumstances, the Commission shall impose a minimum revocation period of two years and a minimum fine of \$1,000 from the date of the violation of these rules or the decision of the Commission, whichever occurs later. A person aggrieved by the Commission ruling in this matter may seek an adjudicatory hearing.
102. Any person whose license is suspended or revoked under this rule shall be required to apply for reinstatement of licensure and the burden shall be on the applicant to demonstrate that his or her licensure will not reflect adversely on the honesty and integrity of harness racing or interfere with the orderly conduct of a race meeting. A person aggrieved by the Commission ruling in this matter may seek an adjudicatory hearing.

Any person whose license is reinstated under this subsection shall be subject to a two-year probationary period, and may not participate in any Maine-owned or bred race during this probationary period. Any further violations of this section by the licensee during the period of probationary licensure shall, absent extraordinary circumstances, result in the Commission imposing revocation of all licensure privileges for a five year period along with any other penalty the Commission deems reasonable and just.

113. Any suspension imposed by the Commission under this rule shall not be subject to the stay provisions in Commission Rules, Chapter 19 Section 3. A person aggrieved by the Commission ruling in this matter may seek an adjudicatory hearing.

## Section 19. Futurities Requirements

Futurity is as defined in 01-017 C.M.R. ch. 1.

1. All futurity sponsors shall:
  - A. Annually file a copy of their conditions with the Commission and with the United States Trotting Association.
  - B. Maintain a performance bond in the amount of the fund until such time as the race is contested, a copy of said bond will be furnished to the Commission and the United States Trotting Association.
  - C. Provide a list of the nominations, within twenty days after the closing of nominations, to each nominator, this Commission, and the United States Trotting Association.
  - D. Provide to the Commission and the United States Trotting Association an annual financial statement of each futurity and within thirty days following the day of the race submit to the Commission and the United States Trotting Association a final financial statement.
  - E. Provide to the Commission and to the United States Trotting Association a complete list of all horses remaining eligible within fifteen days after each payment of the owners.
  - F. Set the nominating date and dates for all sustaining payments except the starting fee on either the first or fifteenth day of the month. No payments on yearlings shall fall due between November 1 and December 15. Before taking any sustaining payments during the year the race is to be contested, the week and place of the race shall be stated. No futurity sustaining fee shall become due prior to March 15 of the year in which the colt or filly becomes two years of age.
  - G. Announce the week and place of any event within thirty days of the date racing dates for the year are allocated by the Commission.
2. **Stake Payments.** Failure to make any payment required by the conditions constitutes an automatic withdrawal from the event.
3. **Barren Mares.** In the event that a mare nominated to a futurity proves to be barren, the nominator may receive a return of his or her payment, providing such return is called for in the conditions of the futurity.

## Section 20. Early Closing Events and Late Closing Events

1. The sponsor shall state the place and date the event will be raced and no change in date, program, events or conditions can be made after the nominations have been taken without the written consent of the owner or trainer of all horses eligible at the time the conditions are changed. An entry blank shall be filed with the United States Trotting Association. In early and late closing events, all nominations and payments other than starting fees shall be advertised to fall on the fifteenth day of the month. A complete list of nominations to any early or late closing event shall be published within twenty (20) days after the date of closing and mailed to each nominator, the Commission, and the United States Trotting Association. If the event does not fill, each nominator, the Commission and the United States Trotting Association shall be notified within ten (10) days and a refund of nomination fees shall accompany the notice.

Unless an Association submits its early closing conditions to the Commission at least 30 days prior to the first publication, and has such conditions approved by the Commission, the following provisions will govern transfers in the event of a change of gait.

If conditions published for early closing events allow a transfer for change of gait, such transfer shall be to the slowest class the horse is eligible to at the chosen gait. The horse's eligibility will be determined at time of closing of entries, the race to which transfer may be made must be the one nearest the date of the event originally entered.

Two-year-olds, three-year-olds, or four-year-olds, entered in classes for their ages, may only transfer to classes for the same age group at the chosen gait to the race nearest the date of the event originally entered, entry fees to be adjusted.

The entrance fee may be on an installment basis or otherwise, and all payments are nonrefundable.

2. **Notification of Withdrawal.** If subsequent payments are required, a complete list of those withdrawn or declared out shall be made within fifteen (15) days after the payment was due and the list mailed to each nominator, the Commission, and the United States Trotting Association.
3. **Trusts.** All fees paid in early or late closing events shall be segregated and held as trust funds until the event is contested.
4. **Conditions.** Conditions of Early Closing Events or Late Closing Events that will eliminate horses nominated to an event or add horses that have not been nominated to an event by reason of the performance of such horses at an earlier meeting held the same Racing Year are invalid. Early Closing Events and Late Closing Events shall have not more than two also eligible conditions. Also eligible conditions that have the effect of backing a horse up more than two classes are prohibited.
5. **Entry Fees.** When total entry fees exceed 85 percent of the advertised purse value, the amount in excess of 85 percent shall be added to the purse. Where the race is split into divisions, each division shall have a purse value of not less than 75 percent of the advertised purse. In all cases the sponsor shall add at least fifteen percent to the advertised purse.

6. **Entries Not Covered by Conditions.** All entries and payments not governed by published conditions shall be void and any proposed deviation from such published conditions shall be punishable by suspension for each offense. Any nominator who is allowed privileges not in accordance with the published conditions of the race or which are in conflict with these rules, shall be barred from winning any portion of the purse, and the said nominator and the secretary or other persons who allowed such privileges shall be deemed to have been parties to a fraud.
7. In early closing events or late closing events, if six or more interests are declared in to start, the race must be contested, except when declared off. Stakes and Futurities must be raced if one or more horses are declared in to start except when declared off.

In an early closing event if fewer horses are declared in than are required to start, and all declarers are immediately so notified, the horse or horses declared in shall be entitled to all of the entrance money and forfeits from each horse named.

8. **Elimination Heats or Two Divisions**

- A. In any race where the number of horses declared in to start exceeds 12, the race must be raced in elimination heats or divisions. No more than two tiers of horses, allowing eight feet per horse, will be allowed to start in any race.
- B. The race shall be divided by lot. In the event there is any series in excess of three (3) preliminary legs, the published conditions may provide otherwise. If three or more divisions are necessary, the track shall add an amount sufficient to allow each division to race for at least the same amount as if there were two divisions. In an added money early closing event, the race may be divided and raced in divisions and each division raced for an equal share of the total purse if the advertised conditions so provide. Extended meetings shall add an additional amount so that each division will race for 75 percent of the advertised added money. These provisions shall apply to any early or late closing event with a value of \$20,000.00 or less in excess of three (3) legs.
- C. In any stake race or futurity, where the conditions state that the event shall be raced one dash on a race track of less than a mile, and where the number of horses declared in to start exceed twelve, the race, at the option of the track conducting the same, stated before positions are drawn, may be divided by lot and raced in two elimination divisions with all money winners from both divisions competing in the final. Each division shall race one elimination heat for 20 percent of the total purse. The remainder of the purse shall be distributed to the money winners in the final.

9. **Elimination Plans.** Whenever elimination heats are required, or specified in the published conditions, such race shall be raced in the following manner unless conducted under another section of this chapter. That is, the field shall be divided by lot and the first division shall race a qualifying dash for 30 percent of the purse, the second division shall race a qualifying dash for 30 percent of the purse and the horses so qualified shall race in the main event for 40 percent of the purse. The winner of main event shall be the race winner.



In the event there are more horses declared to start than can be accommodated by the two elimination dashes, then there will be added enough elimination dashes to take care of the excess. The percent of the purse raced for each elimination dash will be determined by dividing the number of elimination dashes into 60. The main event will race for 40% of the purse. In event there are three (3) or more qualifying dashes, not more than three (3) horses will qualify for the final from each qualifying dash. In elimination heats, if twelve horses declare to start, only the first four horses in each elimination heat qualify to continue. If thirteen horses declare to start, the first four horses in the division with six horses and the first five horses in the division with seven horses qualify. If fourteen or more declare to start, only the first five horses in each elimination heat qualify to continue.

The Judges shall draw the positions in which the horses are to start in the main event, i.e., they shall draw positions to determine which of the two dash winners shall have the pole, and which the second position, which of the two horses that have been second shall start in third position and which in fourth, etc. All elimination dashes and the concluding dash must be programmed to be raced upon the same day or night unless special provisions for earlier elimination dashes are set forth in the conditions.

In the event there are three separate heat or dash winners and they alone come back in order to determine the race winners according to the conditions, they will take post positions according to the order of their finish in the previous heat or dash.

In addition to the horses qualifying above, any horse that is eliminated by reason of the interference of another horse shall be added to the final event and given the last post position.

Whenever elimination heats are required, or specified in the published conditions of a stake or futurity, such race may be raced on the three heat plan, irrespective of any provisions in the conditions to the contrary. That is, the field shall be divided by lot and the first division shall race for 30% of the purse, the second division shall race for 30%, and the horses qualifying in the first and second divisions shall race the third heat for 30% of the purse. If, after the third heat, no horse has won two heats, a fourth heat shall be raced by only the heat winners. The race winner shall receive the remaining 10% of the purse. The number of horses qualifying to return after each elimination heat will be the same as set out in the first 5 paragraphs of this subsection.

## **Section 21. Preferred races**

These may be Free-For-All Races, Invitational Races, Invitational Handicap Races, or Preferred Conditioned Races. Horses to be used in such races shall be posted in the Race Secretary's office and listed with the Presiding Judge. Horses so listed shall not be eligible for conditioned overnight races unless the conditions specifically include horses on the preferred list. No two year old or three year old horses will be eligible to be placed on the preferred list to race against older horses until it has won 7 races or unless requested by the owner or trainer. The owner or trainer may withdraw such request at his or her discretion.

## **Section 22. Open Stretch Racing**

1. The following criteria shall be used in considering disqualifications of horses and penalties to drivers pursuant to Section 54 of this Chapter when races are conducted on a track with an open stretch.
  - A. No horse shall be driven into the inner lane in an attempt to pass or force out a leading horse prior to the last one-eighth mile of the race.
  - B. Horses driven on the outside shall yield sufficient room to interior horses at the end of the inner lane to permit interior horses to stay on course.
  - C. During the last one-eighth mile of the race:
    - (1) A horse may only be driven into the inner lane for the purpose of passing a leading horse; and
    - (2) No horse may be driven into the inner lane for the purpose of blocking a trailing horse. It shall be presumed that a horse which, in fact, blocks a trailing horse in the inner lane without making every attempt to advance on the leading horse, is being so driven for the purpose of blocking a trailing horse.

## **Section 23 Declaration Requirements**

1. All declarations must:
  - A. Contain the information described in this section. Associations ~~may take electronically transmitted entries at their own risk.~~ are encouraged to use the USTA online entry system.
  - B. Be signed or authorized by the owner or his or her trainer.
  - C. Provide the name of the owner and agent or registered stable name or lessee.
  - D. Provide the name of the horse.
  - E. Name the event or events in which the horse is to be entered.
  - F. Provide the name of the driver and trainer.
  - G. Prior to entering a horse, all owners of the horse must be fully licensed by the Commission. Declarations of a horse for which all owners are not fully licensed prior to declaration shall be a level 2 violation.
2. All owners of a registered stable and persons listed in a registered stable, whether incorporated or not, shall be liable for entry fees and penalties against horses raced by the stable.

3. Compliance. Noncompliance with any of the above requirements may result in suspension of the violator. If the facts are falsely stated for the purpose of deception, the guilty party shall be suspended.

#### **Section 24. Ineligible Transfer**

A horse entered in a class to which it is ineligible may be transferred to any event to which it is eligible.

#### **Section 25. Limit of Starts**

No horse shall start in more than one event on the same program except where the conditions of the race provide that it shall be contested in two or more heats or dashes.

#### **Section 26. Eligibility Guaranteed**

A nominator is required to guarantee the identity and eligibility of his or her entries and declarations and if given incorrectly he/she may be suspended or expelled, and any winnings shall be forfeited and redistributed to eligible entries. A person obtaining a purse or money through fraud or error shall surrender or pay the same to the Maine Harness Racing Commission for redistribution or he or she, together with the parties implicated in the wrong, and the horse or horses shall be suspended until such demand is complied with and such purse or money shall be awarded to the party justly entitled to same.

#### **Section 27. Withheld Purses**

Associations may withhold the purse of any horse, without a formal protest, if in its judgment the entry or declaration was fraudulent or ineligible. The Association shall immediately notify the Commission of such withheld purse and request a Commission determination of the matter. Purses withheld under this chapter shall be withheld by the Association pending decision of the Commission concerning such fraud or ineligibility.

#### **Section 28. Number of Starters**

No race shall be programmed to start with fewer than five starters nor more than eight starters, unless permission is received from the Commission, except in stake, early closing or late closing events or on mile tracks where ten starters are permitted.

#### **Section 29. Limit of Starters**

Except where advance authorization has been granted by the Commission, no more than eight horses shall be allowed to start in overnight events on half mile tracks and not more than ten on larger tracks.

### Section 30. Draw

Unless otherwise specified in the conditions, the declaration time shall close at 9:00 a.m. ~~0 A.M.~~ ~~The Association shall provide a locked box with an aperture through which declarations may be deposited.~~ The declaration box and the U.S.T.A. entry system shall ~~and USTA online entry system~~ be in the charge of the Race Secretary. The declaration box shall be opened by the Race Secretary or his or her designee at the advertised time and the Race Secretary or designee will be responsible to see that at least one horseman or an official representative of the horsemen is present. No owner or trainer for a horse with a declaration in the declaration box shall be denied the privilege of being present. Under the supervision of the Race Secretary, all declarations shall be listed, the eligibility verified, preference ascertained, and starters selected. If it is necessary to reopen any race, a public announcement by text message alert shall be made at least once twice and the declaration box reopened at a definite time and ~~It shall~~ remain open for a specified time. Post positions ~~shall may~~ be drawn by the Judges and horsemen, or official representative of the horsemen in attendance or by USTA random draw system. In events with more than one dash or heat, post positions for both heats or dashes will be drawn at the same time.

Drawings shall be final unless there is conclusive proof that a horse, properly declared on time, was omitted or drawn in through error of the Association or its agent or employee conducting the draw. If the error is discovered before scratch time, the race shall be re-drawn.

When an Association requires a horse to be declared by a stated time, failure to declare by that time shall be considered a withdrawal from the event.

After declaration to start has been made, no horse shall be scratched except by permission of the Judges. A suspension may be imposed for scratching a horse without permission, the penalty to apply to both the horse and the licensee party who violates the regulation.

### Section 31. Coupled Entries

The Presiding Judge shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. However, where this is done, entries may not be rejected.

Nothing in this rule shall preclude a licensed pari-mutuel track from limiting an owner or trainer to one starter in any single overnight race.

**Section 32. Also Eligibles**

Not more than two horses may be drawn as “also eligibles” for a race and their positions shall be drawn along with the starters in the race. In the event that one or more horses are excused by the Judges, the “also eligible” horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races, the “also eligible” horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the “also eligible” horse shall take the position on the outside of the horses with a similar handicap. No horse may be added to a race as an “also eligible” unless the horse was drawn as such at the time declarations closed. A horse moved into the race from the “also eligible” list cannot be withdrawn except by permission of the Judges. The owner or trainer of such a horse shall be notified by the Presiding Judge that the horse is to race. ~~and a~~ All other horses on the “also eligible” list that were ~~and~~ not moved in-to race shall be released.

**Section 33. Post Positions for a Handicap**

Post positions for a handicap shall be assigned by the Racing Secretary.

**Section 34. Driver Changes**

Driver changes will be allowed until Scratch Time. Any other change of drivers must be approved by a Presiding or Associate Judge and the trainer may be penalized consistent with a Level 5 violation. When a change of drivers is made in any race, the change must be announced to the public.

**Section 35. Substitution of Drivers**

If the Judges determine that a driver is unfit or incompetent to drive, or if he or she refuses to comply with the direction of the Judges, or is reckless or unmannerly in his or her conduct, he or she shall be removed and another driver substituted. No driver can, without good and sufficient reasons decline to be substituted by the Judges. Any driver who refuses to be a substitute may be suspended by order of the Judges.

**Section 36. Authority of Starting Judge**

1. The Starting Judge shall have complete control over all horses participating in the racing program from the formation of the post parade until the word "Go" is given. The Starting Judge shall have authority to fine or suspend drivers as permitted by these rules for violation of any of the following rules of the start:
  - A. Delaying the start.
  - B. Failure to obey the Starting Judge's instructions.
  - C. Coming to the starting gate out of position.
  - D. Crossing over before reaching the starting point.

- E. Interference with another driver during the start.
- F. Failure to come up into position.
- G. Rushing ahead of the inside or outside wing of the gate.

**Section 37. Recall**

1. The Starting Judge may sound a recall for the following reasons only:
  - A. A horse scores ahead of the gate.
  - B. There is interference.
  - C. A horse has broken equipment.
  - D. A horse falls before the word "Go" is given.
  - E. A horse refuses to come to the gate before the gate reaches the pole 1/8 of a mile before the start.
  - F. Malfunction of the starting gate.
  - G. A horse comes to the gate out of position.

**Section 38. Effect of Scratch of Horse on Post Position**

If a horse is scratched or withdrawn from the start after being programmed, horses with post positions outside of the withdrawn horse, may move one post position closer to the rail. In the event there are two tiers of horses, the withdrawal of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier.

**Section 39. Starting Without a Gate**

The following provisions apply when starting a race without a gate. The horses shall be allowed two warm-up scores, unless otherwise directed by the Starting Judge, before being called to formation. The Starting Judge shall have full control of the horses from the time the formation is complete until the word "Go" is given. The Starting Judge shall be stationed at or near the starting point and shall give the word "Go" as close as possible to such starting or release point. All drivers shall follow the instructions of the Starting Judge as closely as possible and shall avoid unnecessary delay in formation. If the word "Go" is not given, all the horses in the race shall immediately return to their formation positions for a fresh start. There shall be no recall after the word "Go" has been given.

**Section 40. Bad Acting Horse**

The Starting Judge may remove a bad acting horse from the race upon which the Presiding Judge shall order a refund of the wagering thereon. There will be no recall for a bad acting horse and the race will start regardless of its position or gait unless, in the opinion of the Judges, the horse poses a danger to the field of horses or drivers. Any horse that has been scratched because it has been labeled as a "bad actor" shall be placed on the Steward's List to requalify.

**Section 41. Declared Starters**

The horses shall be deemed to have started when the word "Go" is given by the Starting Judge and all the horses must go the course. In the case of an accident in which it is the opinion of the Judges that it is impossible or dangerous to go the course, the Judges may declare the race a No Contest.

**Section 42. Unmanageable**

If, in the opinion of the Presiding Judge, a horse is unmanageable or liable to cause accidents or injury to any other horse or to any driver, it will be scratched and placed on the Steward's List as unmanageable. Horses deemed unmanageable must be properly schooled and complete a satisfactory qualifying race in order to be removed from the Steward's List.

**Section 43. Failure to Obey**

Nothing herein shall be construed to prevent the imposition by the Judges of a verbal or written reprimand or penalty for the failure of a driver to obey the rules of the start.

**Section 44. Right to Track**

Horses called for a race shall have the exclusive right of the course, and all other horses shall vacate the track at once, unless permitted to remain by the Judges.

**Section 45. Falling or Unseating Driver**

Any horse participating in a racing program that falls to both knees or falls completely to the ground on the race track anytime prior to the official start of its race ~~unless deemed fit to participate by the State Veterinarian~~ will be scratched. Any horse participating in a racing program that unseats a driver may be scratched from the race by the Presiding Judge.

**Section 46. Duties of Trainer**

1. The trainer is responsible for the condition of any horse under his or her care and for ensuring that the duties described in this section are fulfilled. The trainer of record must instruct any responsible individuals who are assigned to care for a horse on race day about compliance with state testing procedures and adherence to Commission rules. The

trainer of record must actively participate in the training of all horses for which he or she is designated as the trainer. Active participation must include general oversight and on-site supervision of all training activities, direct contact with each horse, and making or participating in all decisions relating to the treatment, training and care of each horse. Designated responsible individuals are responsible for their own conduct while present on Association grounds.

2. The name of each trainer shall be noted on each horse's electronic eligibility notation documentation, ~~papers~~, and the Judges ~~must~~ be notified of any change. Any change of trainer for a horse resulting from a suspension action by the Commission must be approved by the Commission, or the Chair of the Commission.
3. The duties and responsibilities of a trainer shall include, but not be limited to, the following:
  - A. The trainer shall be solely responsible for the declaration to race of any of his or her horses. This shall include responsibility for driver assignments. Once a horse has been drawn into a race it is the responsibility of the trainer or, in the absence of the ~~named/programmed~~ trainer, the responsible individual identified consistent with paragraph 3 (B) below, to ensure the horse raced is the same horse that was declared.
  - B. The trainer shall be present in the paddock from the time his/her horse(s) enter the paddock until all of his or her horses have raced. A horse(s) will be scratched if the trainer is not in the paddock pursuant to this rule. In the event that the trainer of record is unable to be present in the paddock as described in this section, a responsible individual, who is properly licensed by the Commission as a Groom, Trainer or Owner, may be designated at the time the horse is admitted to the paddock. If so designated, the Horse Identifier shall record the identity of the responsible individual for each horse for which the trainer of record is not present, and provide that information to the Paddock Judge promptly, such that the identity of the trainer or responsible individual for each horse admitted to the paddock is on record with the Paddock Judge for that race day.
  - C. If the Commission determines that the owner of record for a horse has knowingly ~~fraudulently~~ declared a trainer without the trainer's knowledge and consent, it shall be considered a Level 1 violation.
  - D. It shall be the responsibility of the trainer to assure that his or her horse's shoes and equipment are in proper condition before going to the Post Parade. The trainer shall notify the Paddock Judge of any equipment changes.
  - E. The trainer shall be responsible to see that no prohibited substance is in any horse under his or her care, consistent with Chapter 11, regardless of when the horse was obtained. The trainer is responsible for ensuring that recently obtained horses do not carry a prohibited substance in their systems during a programmed or qualifying race, even if that substance was administered prior to acquisition of the horse.
  - F. The trainer of record shall be responsible for ensuring that no horse leaves the paddock after racing until the Commission has obtained a biological sample from the horse or the horse has been released from testing by the



Judges. The trainer is also responsible for submitting any horse under his or her care to any pre- or post-race-testing, when such a test is requested by the State Veterinarian, the State Steward, or any licensed official.

#### **Section 47. Nerved Horses**

1. Nerving is defined as any blocking of nerve function of a horse via surgical neurectomy, cryogenic techniques, or other desensitizing means, whether permanent or temporary.
2. Only posterior digital nerving will be permitted on horses to be raced in Maine. This procedure must be performed posterior to the first phalanx and at a level below the base of the sesamoid bones.
3. Horses nerved at a level above the base of the sesamoid bones are not eligible to race in Maine.
4. It shall be the responsibility of the trainer to report all nerved horses to the State Veterinarian. This report must be accompanied by an official veterinary report with the type of neurectomy performed. This neurectomy must be recorded on the official United States Trotting Association Eligibility Record and the name of the horse posted on the bulletin board of the racing office and indicated by the symbol "N" on the racing program.

Violations of this section shall constitute a Level 3 violation.

#### **Section 48. Unfit to Participate**

The Presiding Judge at any race meeting shall refuse to permit any licensee to participate or otherwise remain in the paddock area, if, in the judgment of such official, he or she is unfit.

#### **Section 49. Personal Safety Equipment**

No one shall drive a horse on a racetrack on a race day during the period one hour prior to post time of the first race through completion of the last race unless he or she is wearing a properly secured protective helmet, and a safety vest, both of which must be of a type satisfactory to the Commission. Failure to comply with this section shall be considered a Level 3 violation.

#### **Section 50. Driver's Colors**

No driver or trainer shall be allowed to drive in any race or public performance, or to otherwise appear on the racetrack during the racing program unless wearing his or her own or his or her owner's colors, and no driver shall appear in another person's colors without the special permission of the Presiding Judge. No driver or trainer wearing colors shall appear at any public betting booth or window at a racetrack, or at any bar or restaurant dispensing alcoholic beverages.

#### **Section 50-A. Protection of Horses**

No licensee or other person under the jurisdiction of the Commission shall knowingly subject or permit any animal under his/her control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care. Licensed track officials are liable under this section if they fail to exercise their authority to protect the well-being of a horse after they are presented credible evidence of mistreatment as described in this section.

#### **Section 51. Horses in the Paddock**

Horses must be in the paddock at the time prescribed by the Presiding Judge, but in any event at least one hour prior to post time of the race in which the horse is to compete. Except for warm-up trips, no horse shall leave the paddock until called to post. On those occasions when pre-race testing is conducted, no horse shall warm-up until granted permission by the State Steward or his or her designee. All horses must report to the paddock prior to warm up. No horse may leave after completing a race until the Judges announce which horses have been selected for testing. Failure to comply with this section may result in disqualification or a penalty.

#### **Section 52. Admission to the Paddock**

1. On any racing day, during the period in which the Paddock Judge has declared the paddock closed, only authorized personnel may be present as set forth in this section. Persons authorized to be present in the paddock must be at least twelve~~fifteen~~ years of age and are limited to licensed participants who are:
  - A. Owners of horses competing on the date of the race, or
  - B. Trainers of horses competing on the date of the race, or
  - C. Drivers of horses competing on the date of the race, or
  - D. Grooms of horses competing on the date of the race, or
  - E. Officials whose duties require their presence in the paddock, or
  - F. Persons with written passes signed by the State Steward, or
  - G. Licensed vendors whose duties require their presence in the paddock.
2. No driver, trainer, groom once admitted to the paddock shall leave the same, without the permission of the Paddock Judge, other than to warm up said horse until such race or races for which he was admitted is contested.
3. Once having left the paddock, no person except an owner, who has another horse racing in a later race, an official, a person on the track warming up a horse, or a person who left the paddock with special permission of the Paddock Judge shall return to the paddock until all races of that program have been completed.

**Section 53. Driving Violations**

1. Without limiting the generality thereof, the license of any driver may be suspended or revoked, or the driver may be fined for:
  - A. Violation of any rule of the Commission.
  - B. Failure to obey the authorized instructions of a racing official licensed by the Commission.
  - C. Any act or conduct detrimental to the sport, including but not limited to:
    - (1) Failure to drive in a race when programmed, unless excused by the Presiding Judge.
    - (2) Intoxication on the day he or she is programmed to drive, or appearing in the paddock in an unfit condition to drive.
    - (3) The use of offensive, threatening or profane language or other improper conduct.
    - (4) Assault upon any other person.
    - (5) Smoking in colors while on the racetrack.
    - (6) Warming up a horse without colors when colors are required.
    - (7) Failure to participate in Post Parade, unless specifically excused by the Presiding Judge.
    - (8) Unnecessary conversation between and among drivers while on the track is prohibited.
    - (9) While on the track, all licensees must wear helmets with chinstraps fastened.

**Section 54. Racing Violations**

1. Although a leading horse is entitled to any part of the track, except after selecting his or her position in the homestretch, neither the driver of the leading horse nor any other driver in the race shall engage in any of the following conduct, which shall be considered violations of driving rules:
  - A. Change either to the right or left during any part of the race when another horse is so near that it causes another horse to shorten its stride, or causes the driver of such other horse to pull out of stride or move away from the offending horse to avoid contact.
  - B. Jostle, strike, hook wheels, or otherwise interfere with another horse or driver.

- C. Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner, endangering other drivers or horses.
- D. Swerve in and out or pull up quickly.
- E. Crowd a horse or driver by "putting a wheel under such horse".
- F. "Carry a horse out" or "Sit down in front of a horse", take up abruptly in front of other horses so as to cause confusion or interference among the trailing horses, or do any other act which constitutes what is commonly known as helping.
- G. Let a horse pass inside needlessly.
- H. Laying off a normal pace and leaving a hole when it is well within the horse's capacity to keep the hole closed.
- I. Change course after selecting a position in the homestretch, or swerve in or out, or bear in or out, in such manner as to interfere with another horse or cause another horse to change course, take back or break.
- J. To drive in a careless or reckless manner.
- K. Cause any horse or a field of horses to excessively slow down their speed.
- L. Cause the Judges to believe that the horse is being driven with design not to win, or in a manner inconsistent with an attempt to win.
- M. Commit any act which impedes the progress of another horse or causes another horse to "break".
- N. Failure to set, maintain or contest a pace comparable to the class of race.
- O. Leaving the Course. In the event a horse or part of the horse's sulky leaves the course and, in the opinion of the Judges, the action gave the horse an unfair advantage over other horses in the race or the action helped the horse improve its position in the race, the horse may be disqualified or placed. Further, the Judges may impose a penalty on the driver for such action even if the horse was not disqualified or placed.
- P. Whips. Drivers will be allowed to use only black whips not to exceed 4 feet, plus a snapper not longer than 6 inches. No leather or unusual material may be used. The conventional snapper shall not be knotted and tape is only permitted on the handle of the whip. All other modifications of the whip are prohibited.
- Q. Whipping. Unnecessary, excessive or brutal use of the whip is prohibited. Evidence, such as cutting, welting or visible injury, etc. shall be determined by the Judges, State Steward, or State Veterinarian at any time. Failure to abide by the following shall be considered illegal use of the whip:

- (1) All drivers must keep a line in each hand beginning when the horse is behind the starting gate and continuing through the finish of the race.
- (2) Whipping shall be restricted to elbow and wrist action only and the whipping arm shall not be raised above the driver's shoulder height.
- (3) Drivers shall not move their whipping arm in a blatant or exaggerated manner and the lines shall remain reasonably taut during the race.
- (4) Drivers shall not use the whip below the level of the shaft, forward of the race bike's wheels.
- (5) Drivers shall not place the whip between a horse's legs.
- (6) Drivers shall not strike another horse or driver with the whip.
- (7) Drivers are permitted to use their hand or the whip in a sliding or gliding manner above the level of the shaft.
- (8) Drivers shall not use the handle of the whip on a horse.
- (9) Drivers shall not use whip on a tired horse, on a horse that is not visibly responding, or when the horse is not in contention in a race.
- (10) Drivers shall not use the whip without giving a horse time to respond to a previous application of the whip. Penalties for violating this paragraph shall be considered Level 2 violations.

Penalties for violating this paragraph shall be considered Level 2 violations.

- R. **Goads.** The use of any goading device, (including the butt end of a whip), chain, or mechanical devices or appliances other than the ordinary whip, upon any horse in any race shall constitute a violation of this rule.

Penalties for violating this paragraph shall be considered Level 1 violations as described in Chapter 17.

- S. Drivers must be seated in an upright position.
- T. Handholds must be positioned with the driver's elbows in front of the plane of the torso-chest to ensure adequate control of the horse. The placing of both lines in one hand to permit the necessary adjustment of the horse's equipment, such as ear plug removal, is allowed.
- U. After the word "Go" is given both feet must remain in the stirrups or heel plates, except for removal of earplugs or for adjusting the convertible bridle, until the finish of the race.

## Section 55. Racing Objections

All ~~objections or complaints~~ ~~allegations~~ by drivers of any driving violation or other misconduct during a heat or dash must be made promptly at the termination of the heat or dash thereof to the ~~Patrol Judges~~ unless accident or injury prevents such reporting. Any driver desiring to enter ~~an~~ a ~~claim, objection or complaint~~ or of foul or other complaint of violation of the rules, must, ~~before dismounting~~, indicate to the ~~Patrol Judges~~ his or her ~~desire to entry of an such claim~~ objection or complaint before the race is declared official, ~~and forthwith upon dismounting shall proceed to the telephone in the paddock where and when such claim, objection, or complaint shall be immediately explained.~~ The Judges shall not cause the official sign to be displayed until such ~~allegation, claim, objection, or complaint~~ has been properly reviewed and considered.

## Section 56. Permission to Dismount

After the Post Parade and until the conclusion of the race, no driver may dismount needlessly from the sulky without the permission of the Starting Judge or a Patrol Judge. Adjustment of equipment may be done only with the Starting Judge's approval.

## Section 57. Contested Races and Unsatisfactory Drives

Drivers are required to compete in each race with the intent of finishing with the best possible placement. Every heat in a race must be given full effort to win ~~contested by~~ by every driver in the race and every horse must be driven to the finish. If the Judges find that a horse was driven, with design to prevent winning a heat or dash which he or she was evidently able to win, or was raced in an inconsistent manner, or to perpetrate or to aid a fraud, they shall consider it a violation and the driver, and anyone found to be in concert with him or her, to so affect the outcome of the race or races, shall be fined or suspended consistent with chapter 17.

In the event a drive is unsatisfactory due to a lack of effort but that ~~and~~ the Judges find there is no intentional act to violate this section ~~fraud~~ or to have a deliberately inconsistent drive, they may impose a penalty consistent with a Level 2 violation in chapter 17.

## Section 58. Placing Offending Horses

It is a violation of these rules to interfere with another horse or other horses. An offending horse shall be set back for interference if the outcome of the race is affected by that interference. If a horse is set back for interference, he or she must be placed behind the horse or horses he or she interfered with. If the progress of the other horses has been impeded, the offending horse may be placed behind all the non-offending horses adversely affected by the interference in that heat or dash. In the event the interference prevents any horse from finishing the heat or dash, the offending horse may be disqualified from receiving any winnings and the driver may be suspended or fined. If, in the opinion of the Judges, the interference did not affect the outcome of the race, the driver may be penalized even if no placings or disqualification was made.

**Section 59. Coupled Entries –Violations**

Coupled entry is as defined in 01-017 C.M.R. ch. 1.

1. If any of the violations in this chapter are committed by a person driving a horse coupled as an entry in the betting, the Judges shall set both horses back, if in their opinion, the violation may have affected the finish of the race. Otherwise, penalties may be applied individually to the drivers of any entry.
2. If a horse coupled as an entry in the betting, because of the same ownership or the same trainer, is disqualified for a foul under these rules, the Judges may set back all horses coupled in said entry or may set back only the horse or horses involved in the foul.

**Section 60. Breaking**

When any horse breaks from its gait in trotting or pacing, the driver shall, as soon as clearance exists, take the horse to the outside or where the most clearance exists and pull it to its gait and lose ground. Committing an extended break, or failure to take the horse to the outside or where clearance exists, or to properly pull the horse to its gait, or to lose ground as a result of a break is a violation of this section.

If the driver fails to take appropriate action as required by this section, he or she is subject to disciplinary action as provided in Chapter 17. In addition, the Judges shall set the horse back one or more places, as appropriate.

If there has been no failure on the part of the driver in complying with this section, the horse shall not be set back unless a contending horse on his or her gait is lapped on the hind quarter of a breaking horse at the finish.

**Section 61. Intentional Breaks**

If, in the opinion of the Judges, a driver allows his or her horse to break for the purpose of fraudulently losing a heat or dash, he or she shall be liable to the penalties presented in Chapter 17.

**Section 62. Improper Conduct**

It shall be a Level 2 violation for any licensee to engage in any of the following conduct while present on the grounds of a licensed Association on a race day:

1. Shouting, use of profane, offensive or threatening language when addressing any official, employee or agent of the Commission;
2. Any act or conduct that is ~~deemed~~ detrimental to the sport;
3. Any conduct, while in view of the public, which in anyway tarnishes the image of the sport;

4. Conduct or language that is threatening, discriminatory, or ~~otherwise negatively impacts~~ the civil rights of officials, employees or agents of the Commission, other participants, or the public;
5. Fighting or other improper physical contact with officials, employees or agents of the Commission, other participants or the public;
6. Failure to obey the lawful instructions of any officials, employees or agents of the Commission; or
7. Intoxication of a licensee while in the paddock during race day.

### **Section 63. Assaults**

No licensee, while on the grounds of a licensed Association during a race day, shall commit an assault, or an assault and battery, upon any official, employee or agent of the Commission, or other licensee, nor shall a licensee threaten to do bodily injury to any official, employee or agent of the Commission, or upon another licensee.

### **Section 64. Threats Not to Race**

It is a violation of these rules for any owner, trainer or driver of a horse to threaten or join with others in threatening not to race, or not to declare in, because of the declaration of a certain horse or horses, or a particular stable, thereby compelling or trying to compel the Race Secretary or the Association to cancel the race.

### **Section 65. Bonus Demands**

No person who has entered a horse shall thereafter demand of the Association a bonus of money or other special award or consideration as a condition for starting the horse.

### **Section 66. Wagering of Owner, Trainer, Driver**

No owner, trainer or driver of a horse shall bet or cause any other person to bet on his or her behalf on any other horse in any race in which they shall start a horse owned, or driven by him or her, or which he or she in anyway represents or handles or in which he or she has an interest. Violation of this rule is a Level 1 violation.

### **Section 67. Reporting Bribes or Attempts**

If any person licensed by this Commission shall be approached with any offer or promise of a bribe, or a wager or with a request or suggestion for a bribe, or for any improper, corrupt, or fraudulent act in relation to racing, or with a suggestion that any race shall be conducted otherwise than fairly and honestly, it shall be a condition of licensing that of such person to report the details thereof immediately to the Presiding Judge.



## **Section 68. Misconduct or Fraud**

1. **Fraud.** Any conduct on the part of a licensee or participant that is, fraudulent in its nature or injurious to the character of racing, although not specified in these rules, is forbidden. It is a violation of these rules for Any person or persons, who, individually or in concert with one another, shall to fraudulently or corruptly, by any means, affect or attempt to affect the outcome of any race, or affect a false registration, or commit any other act injurious to the sport. Such violation, shall be ~~guilty of~~ a Level 1 violation.
2. **Misconduct.** Any conduct on the part of a licensee or participant injurious to the character of racing, although not specified in these rules, is forbidden. Such violation shall be ~~Any person violating this section shall be guilty of~~ a Level 1 violation.

## **Section 69. False Witness**

In any case where an oath is administered by Judges, or representatives of this Commission under the rules, or a Notary Public, or any other person legally authorized to administer oaths, if the party knowingly swears falsely or withholds information pertinent to the investigation, his or her license shall be suspended upon notice and hearing unless the provisions of 5 M.R.S. § 10004 are met.

## **Section 70. Illegal Devices**

No electrical, mechanical or other appliance or device other than the permitted whip shall be applied to a horse at any place on the grounds of an Association. Violators shall be immediately suspended by the Judges and referred to the Commission for a license revocation hearing. Violation of this section or possession of any such device anywhere on the grounds is a Level 1 violation.

## **Section 71. Conspiracy**

If two or more persons shall combine and confederate together in any manner, regardless of where the said persons may be located, for the purpose of violating any of these rules and shall commit some act in furtherance of the said purpose and plan, it shall constitute a conspiracy and a Level 1 violation.

## **Section 72. Purse Distribution**

1. **General provisions.** All races shall be bona fide contests with one winner receiving the largest share of the purse and the balance of the purse distribution made according to the order of finish. No hippodroming or other arrangement for equal distribution of the purse money among the contestants is permitted. Violation of this rule may subject the Association, and officials in charge, to suspension or expulsion.
2. **Stake.** In a stake race the money given by the Association conducting the race is added to the money contributed by the nominators, all of which except deductions for the cost of

the event, must be added to the purse. All of the money contributed in nominating, sustaining and starting payments must be added to the purse.

3. **Withholding a portion of the purse.** If a contractual agreement for withholding a portion of the purse for the benefit of trainers and drivers is entered into between a licensed racing Association as defined in 8 M.R.S.A. §271 and a statewide association of horsepersons ("Horsepersons' Association") as defined in 8 M.R.S.A. §272-B that represents a majority of the horsepersons at that Association's racetrack, a portion of the purse winnings as described in sub-section 1 shall be withheld for distribution to the trainer and driver of the horse that has earned a portion of a purse. The portion of the purses to be withheld must be determined by a contractual agreement between the Association and the Horsepersons' Association. A copy of the contractual agreement and any subsequent modification of the contract must be filed with the Commission before any portion of a purse is required to be withheld by the Association.

### **Section 73. Supplemental Purse Payments**

Supplemental Purse payments made by a track after the termination of a meeting will be charged and credited to the winnings of any horse at the end of the racing year in which they are distributed, and will appear on the eligibility record for the subsequent year.

### **Section 74. Mounted at Finish**

A driver must be mounted in his or her sulky at the finish of the race or the horse must be placed as not finishing.

### **Section 75. Purse Money**

Unless otherwise provided in the conditions, all purses shall be distributed on the dash basis with the money awarded according to a horse's position in each separate dash or heat of the race. Purse money distribution in overnight events shall be limited to the first five positions, unless prior approval is received from the Commission.

### **Section 76. Dashes**

Unless otherwise specified in the conditions, the money distribution in dashes shall be 50%, 25%, 12%, 8% and 5%. In early closing races, late closing races, or added money events, if there are less than five premium positions for which horses are placed, the remaining premium shall go to the race winner unless the conditions call for a different distribution. In overnight events if there are fewer than five starters the premium for the positions for which there are no horses placed must be retained by the track for future supplement of purses.

If there be any premium or premiums for which horses have started but were unable to finish, due to an accident or otherwise, all unoffending horses who did not finish will share equally in such premium or premiums.

**Section 77. Two in Three**

In a two in three race, a horse must win two heats to win the race, and there shall be 10% set aside for the race winner. The purse shall be divided and awarded according to the finish in each of the first two or three heats, as the case may be. If the race is unfinished at the end of the third heat, all but the heat winners or horses making a dead heat for first shall be ruled out. The fourth heat, when required, shall be raced for the 10% set aside for the winner. If there be any third or fourth premiums, etc., for which no horse has maintained a specific place, the premium therefore shall go to the winner of that heat, but that number of premiums distributed need not exceed the number of horses starting in the race. In a two-year-old race, if there are two heat winners and they have made a dead heat in the third heat, the race shall be declared finished and the colt standing best in the summary shall be awarded the 10%, if the two heat winners made a dead heat and stand the same in the summary, the 10% shall be divided equally between them.

**Section 78. Timing of the Lead Horse Only**

The leading horse shall be timed and only its time shall be announced. No horse shall obtain a win race record by reason of the disqualification of another horse unless the horse's actual time can be determined by photo finish or electronic timing.

**Section 79. Time for Dead Heat**

In the case of a dead heat for the win, the time shall constitute a record for the horses making the dead heat and all such horses shall be considered winners.

**Section 80. Time**

The time shall be taken from the first horse leaving the point from which the distance of the race is measured until the winner reaches the wire.

**Section 81. Time Trial Performances**

1. Time trial performances may be permitted subject to the following:
  - A. Testing of participating horses, as prescribed by Commission representatives, is required for all time performances. In the event of a failure of performance, no time trial record will be obtained.
  - B. An approved electric timer is required for all time performances. In the event of a failure of a timer during the progress of a time performance, no time trial record will be obtained.
  - C. Time trial performances are permitted only during the course of a regular meeting with the regular officials in the Judges' Stand.
  - D. Time trial performance records shall not be included in the performance lines in a race program.

- E. Time trial performances shall be designated by preceding the time with the two capital T's.
- F. When a horse performs against time it shall be proper to allow another horse or horses to join in the performance but not to precede or to be harnessed with or in any way attached to the horse performing against time.
- G. A break during a Time Trial is a losing effort and a losing performance shall not constitute a record.

## **Section 82. Judges at Time Trials**

There shall be three Judges in the stand during such performance.

## **Section 83. Performance Against Time**

In performances against time the horse must start in order to equal or beat a specified time.

## **Section 84. Best of Three**

In performances against time, starters shall be entitled and limited to three trials and the fastest winning time made by him/her shall be his/~~or~~-her record.

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### **STATUTORY AUTHORITY:**

8 MRS §§ 263-A, 268, 275-C, 279-A, 279-B, 281

### **REPEALED AND REPLACED:**

February 22 1993 - this revision incorporates sections from previous Chapters 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23 & 24

### **AMENDED:**

April 11, 1995  
January 27, 1996  
March 11, 1996 (*EMERGENCY*)  
March 4, 1997 - sub-c. 1 §7 sub-§A-1

### **EFFECTIVE DATE (ELECTRONIC CONVERSION):**

May 17, 1997

### **NON-SUBSTANTIVE CORRECTIONS:**

March 2, 2000 - converted to MS Word

### **REPEALED AND REPLACED:**

May 29, 2001

**AMENDED:**

December 17, 2001 - added Section 17(6)(K)  
 December 17, 2001 - amended Section 58  
 June 30, 2002 - Section 6(6) repealed, Sections 6(9) and 6(10) amended, filing 2002-220  
 June 30, 2002 - Section 30 corrected to remove duplicate language, filing 2002-221  
 June 30, 2002 - Sections 54(1)(P), 54(1)(Q), 54(1)(R), 54(1)(S) amended, filing 2002-222  
 June 6, 2004 - Section 37(1)(G), filing 2004-187  
 August 21, 2006 - Section 18(8), filing 2006-372  
 August 21, 2006 - Section 18-A, filing 2006-373  
 November 8, 2006 - Section 76, filing 2006-461  
 June 7, 2008 - Sections 6, 8, 17(4)&(7), 53(1)(C)(8), 54(1)(Q), 76  
 August 18, 2009 - Section 72(3), filing 2009-435

**NON-SUBSTANTIVE CORRECTIONS:**

August 4, 2010 - headings for Sections 10, 73

**AMENDED:**

November 4, 2010 - Sections 6(8), 7(2), 40, 46(3)(C), 54(O), 54(T), 58 and 68, filing 2010-549  
 May 15, 2012 - Sections 6, 16 and 17, filing 2012-153  
 August 4, 2012 - Section 54(1)(S), filing 2012-213  
 July 22, 2013 - Section 7(6)(9), filing 2013-164  
 July 22, 2013 - Section 7(7), filing 2013-165  
 August 19, 2014 - Section 8, filing 2014-190  
 January 22, 2019 - filing 2019-012  
 June 1, 2020 - Sections 75 and 76, filing 2020-131 (EMERGENCY)  
 July 31, 2020 - Sections 75, 76 and 85, filing 2020-172 (EMERGENCY)  
 August 17, 2020 - Sections 7(G), 75, 76 and 85, filing 2020-184 (EMERGENCY)  
 July 4, 2021 - many Sections, filing 2021-138